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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/773,581	02/02/2001	Raymond Routhier	15218-1US RM/SC/sm	6248
20988	7590	11/05/2004	EXAMINER	
OGILVY RENAULT 1981 MCGILL COLLEGE AVENUE SUITE 1600 MONTREAL, QC H3A2Y3 CANADA			MAJ, LANNA	
			ART UNIT	PAPER NUMBER
			3637	
DATE MAILED: 11/05/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/773,581

Applicant(s)

ROUTHIER, RAYMOND

Examiner

Khoa Tran

Art Unit

3634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims 4-8, 16-18

- 4) ☒ Claim(s) 1,3,7,8,10-13 and 18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 16-18 is/are allowed.
- 6) ☒ Claim(s) 1,3,7,8,10-13 and 15 is/are rejected.
- 7) ☒ Claim(s) 4-6 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3, 7, 10-13, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Howard Wing (U.S. Patent No. 2,992,743) in view of Wood et al. (U.S. Patent No. 5,222,611). Howard Wing discloses a storage organizer system comprising a horizontal J-shaped rail (15); a pair of spaced apart upright members (1) having at least one rail engaging member (12) mountable to the rail and a spacer (23-26) having a projection (25) extended rearwardly from a rear edge of the spaced apart upright members; and the spacer is spaced apart at a distance from the rail. See Figure 1. Wood et al. teach an upright member of a panel (14) having a plurality of spaced-apart holes (32) and a rail-engaging member (40) removable secured to a various location along a vertical length of the upright member. The rail engaging member (40) is provided in a form of a bracket having a hooked end that is included a distinct rail engaging member (58), see Figure 2, wherein the bracket is further included a web member (50) for attaching to a rear portion of the upright panel. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to have modified the upright members of Howard Wing to be the upright panel members that have rail engaging members secure to various location along the vertical length of the upright panel members as taught by Wood et al. in order to have the upright panel

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members that are versatile of hanging to various types of rails. With respect to claim 12, Wood et al. also teach a horizontal J-shaped rail (80) that has a second leg portion (82) at an acute angle with the first leg portion (84) see Figure 11. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the horizontal J-shaped rail of Wing with the provision a horizontal J-shaped rail as taught by Wood et al. in order to accommodate the rail engaging members of Wood et al. on the upright panel members.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wing (U.S. Patent No. 2,992,743) in view of Wood et al. (U.S. Patent No. 5,222,611) as applied to claims 1, 3, 7, 10-13, and 15 above, and further in view of Gogan (U.S. Patent No. 5,678,797). Gogan teaches a bracket having a hook portion and two parallel arms (36a) extend from a vertical web portion, see Figure 3. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to have modified the bracket of Wood et al. with the provision of double arms extending from a web portion as taught by Gogan in order to further secure the panel between the bracket so that to have a flush mount panel with the bracket.

Allowable Subject Matter

Claims 4 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 5-6 are objected to as being dependent upon a rejected base claim.

Claims 16-18 are allowed.

The following is a statement of reasons for the indication of allowable subject matter:

Claims 16-18 are allowed because there is no prior art that teaches or suggests a storage organizer possessing the entire combination of features specified by the claims. In particular, there is no teaching or suggestion of a transversal member extending across the at least two laterally spaced-apart upright panels and at least one hook mounted to the transversal member between the at least two laterally spaced-apart upright panels for engagement with the rail. See claim 4, lines 2-5, and claim 16, lines 6-9.

Response to Arguments

Applicant's arguments filed on July 26, 2004 have been fully considered but they are not deemed to be persuasive.

With respect to applicant's arguments that the rail-engaging member of Wood et al. cannot be mounted to a various location along a major portion of the length of the panel, the examiner respectfully disagrees. It should be noted that Figure 2 of Wood et al. illustrates the rail-engaging member (40) is capable of mounting to various locations along the length of the panel because of various holes are vertically disposed along the vertical length of the panel. Further, Wood et al. have been applied for their teaching and the test for obviousness is not whether the features of the reference may be bodily incorporated into the structure of another reference but what the combined teachings of those references would have suggested to those of ordinary skill in the art.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khoa Tran whose telephone number is (703) 306-3437. The examiner can normally be reached on Monday through Thursday from 9:30 A.M. to 7:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leslie Braun, can be reached on (703) 308-2156. The fax phone number for this Group before a final Office action is (703) 872-9306 and after a final Office action is (703) 872-9327.


Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-2168.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Khoa Tran

October 26, 2004



LESLIE A. BRAUN
SUPERVISORY PATENT EXAMINER